REMARKS

Claims 1, 5 to 7 and 8 to 10 are pending. Claims 8 to 10 are new.

Claims 8 to 10 are new and cover the specific invention related to a method of suppressing adenoma multiplicity in a mammal with a mutation in an adenomatous polyposis coli (APC) gene. These claims parallel those in U.S. Patent No. 6,656,914 B2, which is based upon parent application Serial No. 09/776,527, for cyanidin. Malvidin and cyanidin are sufficiently related so that one skilled in the art would believe that malvidin would be effective, particularly in view of the *in vitro* data for malvidin.

Claims 1 and 5 to 7 were rejected under 35 USC 112, first paragraph, because the claims were not enabling for an *in vitro* method. In the Office Action, the Examiner pointed out reasons in detail why in his opinion the claims were not enabled.

The specification at page 4, paragraph [0019] describes oral feeding and various types of other treatments. The claims are thus clearly enabled by the specification at pages 7 and 8, paragraphs [0031] to

[0034]. Various compositions are described. Examples 1 to 5 show treatment of min mice with cyanidin which is an aglycone related to malvidin. Enclosed is a Supplemental Declaration which also shows that cyanidin is effective in suppressing multiplicity in APC min mice. The data in Figures 5 to 7 show the same thing in an *in vitro* assay. Thus, there is no reason for one skilled in the art to believe that malvidin, which is also an aglycone, would not be effective in such suppression in view of Figures 5 to 7 (see Figure 2 for the structures). Further, Applicants are not claiming a cure of cancers in the stomach or colon, merely suppression of multiplicity of the cancer cells. One skilled in the art would have no basis for saying that the claimed method was not effective in view of the *in vivo* and *in vitro* data.

It is now believed that Claims 1, 5 to 7 and 8 to 10 are in condition for allowance. Notice of Allowance is requested.

Respectfully,

Ian C. McLeod
Registration No. 20,931

IAN C. McLEOD, P.C.
2190 Commons Parkway
Okemos, Michigan 48864

Telephone: (517) 347-4100
Facsimile: (517) 347-4103
Email: mcldmyn@comcast.net

Enclosure: Supplemental Declaration Under 37 CFR 1.132